

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:09-ct-03116-D

AMADO SOSA-DOMINGUEZ,)
)
Plaintiff,)
)
v.)
)
THE GEO GROUP, WARDEN G.)
SNYDER, ASSOCIATE WARDEN D.)
FARMER, COUNSELOR B. MOORE,)
AND CHAPLAIN D. BLEVINS,)
)
Defendants.)

**ANSWER TO FIRST AMENDED
COMPLAINT**

Defendants answer the First Amended Complaint filed against them as follows:

INTRODUCTION

It is admitted that the initial complaint was filed by an inmate in a prison operated by The GEO Group, Inc. ("GEO"). It is further admitted that the original complaint alleged violation of the Religious Freedom Restoration Act ("RFRA"), the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), the Equal Protection Clause of the United States Constitution, and breach of contract. Except to the extent admitted, the allegations of this Paragraph are denied.

AMENDMENT UNDER RULE 15 OF THE FEDERAL RULES

This paragraph states a legal conclusion and, therefore, is denied.

PARTIES

It is admitted that Amado Sosa-Dominguez is the plaintiff in this action. The remainder of the allegations in this paragraph is denied.

It is admitted that The GEO Group, Inc. ("GEO") is named as a defendant in this action. It is admitted that GEO is a publicly traded corporation that is incorporated under the laws of the State of Florida. It is further admitted that GEO owns and operates the Rivers Correctional Institution ("RCI") in Winton, North Carolina. Except to the extent admitted, the allegations of this section regarding GEO are denied.

It is admitted that G. Snyder, D. Farmer, B. Moore, and D. Blevins are named as defendants in this action. It is admitted that D. Farmer and D. Blevins currently work at RCI. Except as explicitly admitted, the allegations of this paragraph are denied.

JURISDICTION & VENUE

Denied.

EXHAUSTION OF REMEDIES

Denied.

FACTUAL ALLEGATIONS

1. It is admitted that Plaintiff was housed in the Special Housing Unit on July 30, 2009. Except to the extent admitted, the allegations of this paragraph are denied.

2. It is admitted that Plaintiff was interviewed by Ms. Ward while he was incarcerated in the Special Housing Unit. Except to the extent admitted, the allegations of this paragraph are denied.

3. Denied.

4. Denied.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

CLAIM FOR RELIEF

Denied.

CONCLUSION

Denied.

FIRST AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction over Plaintiff's claim for injunctive relief because he is no longer incarcerated at RCI.

SECOND AFFIRMATIVE DEFENSE

The Court lacks personal jurisdiction over former RCI Warden George Snyder because he has not been properly served with a copy of the summons and complaint.

THIRD AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the provisions of the Prison Litigation Reform Act of 1996 because he seeks relief for mental or emotional injury but has not suffered any physical injury.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the provisions of the Prison Litigation Reform Act of 1996 due to his failure to exhaust his administrative remedies.

Wherefore, Defendants request the Court:

1. Dismiss Plaintiff's claims as frivolous, malicious, and/or failing to state a claim upon which relief may be granted;
2. Award Defendants the costs of this action, including attorney's fees;
3. Order a trial by jury of all genuine issues of material fact.

This 31st day of March, 2010.

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company

By: /s/ Robert T. Numbers II
JAMES R. MORGAN, JR.
(N.C. State Bar No. 12496)
ROBERT T. NUMBERS, II
(N.C. State Bar No. 34134)
One West Fourth Street
Winston-Salem, North Carolina 27101
Phone: (336) 721-3600
Fax: (336) 721-3660
E-mail: jmorgan@wcsr.com
E-mail: rnumbers@wcsr.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that on March 31, 2010, a copy of the foregoing was filed electronically with the Clerk of Court using CM/ECF system.

It is further certified that on March 31, 2010, that a copy was served upon the following non-CM/ECF participant by placing said copy in a postage paid envelope and addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and its contents in the United States Mail at Winston-Salem, North Carolina.

ADDRESSEE:

Amado Sosa-Dominguez
23513-057
Rivers Correctional Institution
P.O. Box 630
Winton, NC 27986
Pro Se Plaintiff

WOMBLE CARLYLE SANDRIDGE & RICE *A Professional Limited Liability Company*

By: /s/ Robert T. Numbers II
ROBERT T. NUMBERS, II
(N.C. State Bar No. 34134)
One West Fourth Street
Winston-Salem, North Carolina 27101
Phone: (336) 721-3600
Fax: (336) 721-3660
E-mail: rnumbers@wcsr.com
Attorneys for Defendants